

**REMARKS**

Claims 1-38 are pending in the above-identified application. Claims 1, 2, 4, 5, 7, 9, 10, 18, 22, 34 and 35 were rejected. Claims 3, 6, 8, 11-17, 19-21 and 23-33 were objected to. Claims 36-38 were allowed. With this Amendment, claim 1 was amended. Accordingly, claims 1-38 remain at issue in the above-identified application.

**I. 35 U.S.C. § 112 Rejection of Claims**

Claim 35 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse this rejection.

Applicants have amended claim 1 to provide an antecedent basis for the cooking apparatus being “foldable.” Accordingly, Applicants respectfully request withdrawal of this rejection.

**II. 35 U.S.C. § 102 Rejection of Claims**

Claims 1, 2, 5, 9, 10, 18 and 34 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lang. Applicants respectfully traverse this rejection.

Claim 1 is directed to a cooking apparatus comprising a body and a mechanism. The body has a substantially planar cooking surface heated by a heating mechanism and divided into two cooking surfaces by a center seam, where the cooking apparatus is foldable along the center seam. The mechanism is disposed along the center seam for preventing fluids generated during cooking from draining through the center seam.

Lang discloses cooking surfaces 38, 39, and 40 separated by slots 59 and 60. Lang does not disclose or suggest a cooking apparatus that is foldable along a center seam, as required by

claim 1. Accordingly, Applicants respectfully submit that claim 1 is allowable over Lang. Dependent claims 2, 5, 9, 10, 18 and 34 are also allowable over Lang by virtue of their dependencies from claim 1. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claims 1, 4, 7 and 22 were rejected under 35 U.S.C. § 102(b) as being anticipated by Michaelis et al. Applicants respectfully traverse this rejection.

Michaelis et al. discloses a multiple unit cooking device having a lefthand unit 34 and a righthand unit 36. Michaelis et al. does not disclose or suggest a cooking apparatus that is foldable along a center seam, as required by claim 1. Accordingly, Applicants respectfully submit that claim 1 is allowable over Michaelis et al. Dependent claims 4, 7, and 22 are also allowable over Michaelis et al. by virtue of their dependencies from claim 1. Accordingly, Applicants respectfully request withdrawal of this rejection.

### **III. Objection To Claims**

Claims 3, 6, 8, 11-17, 19-21, and 23-33 were objected to as being dependent upon a rejected base claim, but were found to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants have not amended these claims, but respectfully submit that these claims are allowable by virtue of their dependencies from claim 1. Accordingly, Applicants submit that this objection has been obviated, and respectfully request its withdrawal.

**IV. Conclusion**

In view of the above amendments and remarks, Applicants submit that all claims are clearly allowable over the cited prior art, and respectfully request early and favorable notification to that effect.

Respectfully submitted,

Dated: August 24, 2004

By: 

Marina N. Saito  
Registration No. 42,121  
SONNENSCHEIN NATH & ROSENTHAL LLP  
P.O. Box 061080  
Wacker Drive Station, Sears Tower  
Chicago, Illinois 60606-1080  
(312) 876-8000